

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

MEMORANDUM AND ORDER

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or report and recommendation regarding disposition by the District Court as may be appropriate. This matter came before the Court for a hearing on the pending motion of the United States to join the trial of the defendants in this case with those charged in United States v. Ramirez, et al, 3:07-CR-44, Motion for Joint Trial [Doc. 72].

Shortly before the hearing, Attorney Ralph Harwell (counsel for Defendant Melvin Skinner) filed a motion on behalf of co-defendant Julia Newman and Attorney Herbert Moncier entitled Motion for Herbert S. Moncier to be Permitted to Complete This Case to Provide Defendant Newman Her Constitutional Right to Counsel of Her Choice [Doc. 78]. Attorney Harwell stated that he represents Attorney Herbert S. Moncier in another matter before Chief United States District Judge Curtis Collier, specifically, In re: Herbert S. Moncier, 1:08-MC-09, (“the Moncier Case”). In the Moncier Case, Judge Collier issued an opinion and Order on April 29, 2008 which

immediately suspended Attorney Moncier from the practice of law in the United States District Court for the Eastern District of Tennessee. [Id. at Doc. 69]. Attorney Moncier, Attorney David Wigler and Attorney Brent Austin are all three counsel of record for Defendant Julia Newman in the instant case. Attorney Harwell's motion sought leave for Attorney Moncier to represent Julia Newman for the remainder of this case, as an exception or amendment to Judge Collier's Order, or by stay of Judge Collier's Order, in the Moncier Case.

The Court finds that it does not have jurisdiction or authority to alter or amend, clarify, interpret, or stay Judge Collier's Order in the Moncier Case. Accordingly, the Motion for Herbert S. Moncier to be Permitted to Complete This Case to Provide Defendant Newman Her Constitutional Right to Counsel of Her Choice [**Doc. 78**] is **DENIED** without prejudice as to its merits. Any such motion should be filed in the Moncier Case.

IT IS SO ORDERED.

ENTER:

s/ H. Bruce Guyton
United States Magistrate Judge